

State of California, State Water Resources Control Board  
Division of Water Rights

P.O. Box 2000, Sacramento, CA 95812-2000  
Info: (916) 341-5300, FAX: (916) 341-5400 Web: <http://www.waterrights.ca.gov>

S008236

2006, 2007, 2008

## SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FORM

Owner(s) of Record:

Niebaum Coppola Estate Winery  
LP

Notifying the Division of Water Rights of ownership or address changes is the responsibility of the claimant

Please Complete and Return This Form by JULY 1, 2009

Primary Contact:

Gordon Wang  
620 Airport Road  
Napa, CA 94558

Phone No. 707-251-3220

Fax No.

E-mail Address: [gordon.wang@ffcpresents.com](mailto:gordon.wang@ffcpresents.com)

Agent:

Address:

Phone No.

Fax No.

E-mail Address:

Source Name: BEAR CANYON

Tributary To:

County: Napa

Diversion within: NE 1/4 of SE 1/4 Section 6, T 6 N, R 5 W, MDB&amp;M

Year of First Use: 1996

Name of Diversion works:

Assessor Parcel Number  
of the Diversion site:

- A. Water is Used Under: Riparian claim ☒ Pre-1914 claim ☐ Court Decree No.:  Other (explain):
- B. Year of First Use: (Please provide if missing in the Division of Rights database (ewrims)) 1996
- C. Rate of Diversion: The rate of diversion of water for each month used and entered in the table below is shown in units of:  
Gallons per minute (gpm)  Gallons per day (gpd)  Cubic feet per second (cfs)

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Average Rate
2006													
2007													
2008													

- D. Quantity of Water Used: The quantity of water used each month and entered in the table below is shown in units of:  
Gallons  Million Gallons (MG)  Acre-feet (AF)

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2006													
2007													
2008													

- E. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation  acres; Stockwatering  Domestic   
Other (specify) NONE - CAN'T USE NOT ENOUGH FLOW

Parcel Number(s) of Place of Use: 

- F. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed.  
(New pump, enlarged diversion dam, location of diversion, etc.)

- G. Please answer only those questions below which are applicable to your project.

## 1. Conservation of water

- a. Are you now employing water conservation efforts? YES ☒ NO ☐  
Describe any water conservation efforts you have initiated: Drip Irrigation

- b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:  
Year  (AF/MG) Year  (AF/MG) Year  (AF/MG)

Reduction in consumptive use:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES \_\_\_\_\_ NO \_\_\_\_\_

## 2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES ☒ NO \_\_\_\_\_
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:

Year 2006 3 (AF/MG) Year 2007 3 (AF/MG) Year 2008 3 (AF/MG)

State the type of substitute water supply: \_\_\_\_\_

Amount of substitute water supply used:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES \_\_\_\_\_ NO \_\_\_\_\_

## 3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES ☒ NO well installed 1996
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES \_\_\_\_\_ NO \_\_\_\_\_

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: August 7, 2009 at Napa, California

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

(first name)

(middle initial)

(last name)

COMPANY NAME: Niebaum Coppola Estate Winery LP

ITEM

If there is insufficient space for your answers, please use the space provided below or add an attachment sheet.

CONTINUATION

## GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. After the formation of the California Water Commission back on December 19, 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000  
(916) 657-1875

RECEIVED

MAR 1 1994

NVVE

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 008236

INGLENOOK  
C/O DREW L ASPEGREN  
176 MAIN STREET, SUITE B  
ST HELENA, CA 94574

TELEPHONE NUMBER:  
(707) 963-7188

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: BEAR CANYON

TRIBUTARY TO: BALE SLOUGH

COUNTY: NAPA

YEAR OF FIRST USE

DIVERSION

WITHIN: NE1/4 OF SE1/4 SECTION 17, T07N, R05W, MDB

STATE WATER RESOURCES  
CONTROL BOARD  
DIV. OF WATER RIGHTS  
SACRAMENTO  
1994 APR 14 PM 1:01

COMPLETE AND RETURN THIS FORM BY JULY 1, 1994.

A. Water is used under: Riparian claim ☒; Pre 1914 right ☐; Other (explain) ☐

B. Year of first use (Please provide if missing above)

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other)

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1991													0
1992													0
1993													0

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation  acres; Stockwatering ; Domestic   
Other (specify)

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 4/5, 19 94, at ST. HELENA, California.

Signature: Diane L. Willson

## GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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An appropriate right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

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"Statements of Water Diversion and Use"

"Information Pertaining to Water Rights in California"

"Water Rights for Stockponds Constructed Prior to 1969"

"Appropriation of Water in California"

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
STATEMENT OF WATER DIVERSION AND USE

\$8236

This statement should be typewritten or legibly written in ink.

This statement is filed in conjunction with Application #23889

A. Name of person diverting water United Vintners, Inc., c/o Sullivan, Roche & Johnson  
Address Mills Tower, 220 Bush Street, San Francisco, California 94104

B. Name of body of water at point of diversion Bear Canyon Creek

Tributary to Bale Slough thence Napa River

C. Place of diversion NE 1/4 SE 1/4 Section 17\*, Township 7N, Range 5W, MD B&M,  
Napa County, or locate it on sketch of section grid on reverse side with regard to section lines or prominent local landmarks.

D. Name of works

E. Capacity of diversion works

Capacity of storage reservoir

State quantity of water used each month in gallons or acre-feet

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
	x	x	x	x	x	x	x	x	x	x	x	x	

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc.

Unknown

Maximum annual water use in recent years Unknown

Minimum annual water use in recent years Unknown

Type of diversion facility: gravity, pump

Method of measurement: weir, flume, electric power meter, water meter, estimate

F. Purpose of use (what water is being used for)

G. General description or location of place of use (use sketch of section grid on reverse side if you desire)  
See enclosed plat of area of use.

H. Year of first use as nearly as known We do not know at this time what previous uses were made of water on this subject property.

I. Name of person filing statement United Vintners, Inc., c/o Sullivan, Roche & Johnson - Attorneys for Applicant

Position Organization

Address 220 Bush Street, San Francisco, California 94104

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

Date signed 18 September 1973

Signature

2-009-19-01-0

See Instructions on Reverse Side

Corporate Secretary